



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306557
Applicant Name: Candy Gruber
Address of Proposal: 982 - 21st Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel containing two existing single family residences into two (2) parcels with one single family residence on each parcel. Proposed parcel sizes are approximately: A) 2,010 square feet and B) 1,800 square feet. The existing structures are to remain. At the time of this decision there was no related building permit to this subdivision. Related establish use for record project number 9802959.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 3,810 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is located in the Central area of Seattle on 21st

Avenue between East Union Street and East Marion Street. The site has thirty feet of Street frontage on 21st Avenue and is paved with sidewalks curbs and gutters. There are two existing houses on the site, which are to remain. There is currently no existing vehicle access to the site. The lot is rectangular in shape and slopes east from a retaining wall along the front property line to the front of the house on parcel A. Surrounding properties are also zoned SF 5000, however, the north end of the block that the subject site is located on and along E. Union is zoned Neighborhood Commercial (NC2/30'-P2) with a Pedestrian Two designation. Development in the area consists of some commercial uses and a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed Parcel A will have direct pedestrian access from 21st Avenue. Parcel A will have a pedestrian access easement across the north 5 feet for access to Parcel B. The existing single-family residences will remain. There is no vehicle access or parking for either Parcel A or Parcel B.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

One comment letter was received in favor of this proposal during the public comment period, which ended December 31st, 2003.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single-family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for both structures already exist. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if

lot depth is less than one-hundred-twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5.

The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 on page 6 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct pedestrian access to 21st Avenue. There is no parking on Parcel A or Parcel B. The single-family residences were built prior to parking requirements for the City of Seattle.

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light will require an overhead/underground easement on the south 2 feet of Parcel A, excluding any portion of the building wall. This short plat provides adequate utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on November 19th, 2003 (WAC ID No. 2003-1257) stating that a recorded easement with a minimum width of 5 feet is required to allow underground water service from 21st Avenue to the back residence on Parcel B.

The side sewer from the existing house addressed 982 discharges to the 8-inch combined sewer in 21st Avenue. City records do not show a side sewer serving the existing house addressed 982 1/2. City records do not show the method of stormwater control from either existing structure. DPD's sewer and drainage reviewer requires an easement from proposed Parcel A to proposed Parcel B for the side sewer from the structure addressed 982 1/2.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet the applicable Land Use Code provisions of Section 23.24.046 for single-family lots containing more than one single-family dwelling. The proposed development has adequate utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are no trees located on the site. At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060, which sets forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Pursuant to SMC 23.24.046-B5, the structures on the proposed lots will not meet all applicable development standards for single-family zoning. Pursuant to SMC 23.24.046-B5 each resulting lot will conform to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:

- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and
- b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5(a)(b)). The single-family dwellings will not be closer than 3 feet to any proposed common lot line. The smallest lot size of the proposed parcels is 1,800 square feet (parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B123. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling unit to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

Conclusion

DPD approved application for establishing use for record under Project No. 9802959 and Permit No. 734962. The approved permit was to legally establish the use for the rear single-family dwelling unit (proposed Parcel B). The single-family residence on Parcel B can be established from 1910, which is prior to the effective date of the first Seattle Zoning Code in 1923. The larger single-family structure (front dwelling unit), on proposed parcel A is already established by permit as a single-family residence (Seattle Bldg. Code No. 40892, issued March 12, 1906). DPD found that the minimum standards for habitable dwellings and standards for fire, life and safety as set forth in the Uniform Building Code were met. At the time these single-family residences were constructed, there was no parking requirement, for the City.

Section 23.24.046 allows the Director to waive the parking requirement if providing parking is undesirable or impractical or if the short subdivision cannot be configured to provide parking in compliance with SMC 23.44.016, Parking Location and Access. Both residences were built prior to parking requirements for the City of Seattle. Parking has never been established on-site. It would not be practical to provide on-site parking due to the location of the residences on the proposed parcels. Therefore, parking will not be required for this short subdivision.

It appears that, although, most of the development standards for these proposed parcels are non-conforming, the intent of the new ordinance was clearly intended for short plats similar to this one.

Analysis of Required Yards

| | Front Yard | Side Yard (north) | Side Yard (south) | Rear Yard |
|---|---|---|--|--|
| <i>Proposed Parcel A 982 21st Ave</i> | Conforming at 20+ feet (existing) | Conforming at 5 + feet (existing) | Non-conforming at 1.72 feet (existing) | Non-conforming at 5.9 feet (New) |
| <i>Proposed Parcel B 982 ½^h Ave</i> | Conforming at 20+ feet (New) | Conforming at 5 + feet (existing) | Non-conforming at 3.19 feet (existing) | Non-conforming at 4.32 feet (existing) |

Table 1

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as sideyard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Provide a sidesewer easement from parcel A to parcel B for the side sewer from the structure addressed 982 1/2. The easement may be worded "a _-foot side sewer easement centered over the existing side sewer as constructed."
3. Submit the final recording forms for approval and any necessary fees.
4. Provide, on face of plat, an easement or covenant to allow for posting of individual unit addresses in a manner visible from 21st Avenue.
5. Remove stairs on the rear of the residence on parcel "A".

After Recording and Prior to Issuance of a Building Permit

6. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: (signature on file) Date: April 12, 2004

Joan S. Carson Land Use Planner II
Department of Planning and Development
Land Use Services

JSC:bg

Carson/ShortPlats/2306557SmallLotSP1.dec.doc